

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STERLING NATIONAL BANK,
Plaintiff,

v.

VI CORPS, LLC,
DON BETHUNE, and
VICTOR VICARI,
Defendants.

Case No. 19–CV–01115–JPG

DEFAULT JUDGMENT

This is a breach-of-contract case. Before the Court is Plaintiff Sterling National Bank’s Motion for Entry of Default Judgment. (ECF No. 16).

There are two stages to default. First, the Clerk of Court must enter a party’s default “[w]hen a party against whom a judgment for affirmative relief has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise” Fed. R. Civ. P. 55. Then, the Court may enter a default judgment for the amount due. *Id.* “Whether a default should be entered . . . is a matter resting in the sound discretion of the trial judge.” *Duling v. Markun*, 231 F.2d 833, 836 (7th Cir. 1956).

Here, the Clerk of Court entered the defendants’ default on September 29. (ECF No. 23). And the Court finds that the amount due “is for a sum certain or a sum that can be made certain by computation” *See* Fed. R. Civ. P. 55(b)(1). The Court therefore:

- **GRANTS** Sterling National Bank’s Motion for Entry of Default Judgment;
- **ENTERS DEFAULT JUDGMENT** for Sterling National Bank and against Defendants VI Corps, LLC, Don Bethune, and Victor Vicari, jointly and severally, in the amount of \$100,830.66, plus prejudgment interest for \$35,199.99 from February 15, 2019, to July 30, 2020, and continuing to accrue at \$66.29 per diem until entry of judgment and attorneys’ fees and costs in the amount of \$13,813.86, for a total judgment of \$149,844.45;

- **DIRECTS** the United States Marshal Service to use all necessary force to take possession of the following equipment from VI Corps, LLC, at 5025 Bolen Store Rd. Thompsonville, IL 62890, or wherever it may be found, and deliver the same to Sterling National Bank: one Vermeer D10X15 Directional Drill S/N 1VRA130V9J1000721; one Vermeer MX125 Mixing System S/N 1VRX030U8HF005510; one Falcon F2 Locating System S/N 30128783/30127901; and one Belshe WB-14 Trailer S/N 16JF01627G1048615; and
- **ORDERS** VI Corps, LLC, to assemble and surrender one Vermeer D10X15 Directional Drill S/N 1VRA130V9J1000721; one Vermeer MX125 Mixing System S/N 1VRX030U8HF005510; one Falcon F2 Locating System S/N 30128783/ 30127901; and one Belshe WB-14 Trailer S/N 16JF01627G1048615 to Sterling National Bank at a place and time directed by Sterling National Bank within 14 days of this Default Judgment: October 21, 2020.

IT IS SO ORDERED.

Dated: Tuesday, October 6, 2020

S/J. Phil Gilbert
J. PHIL GILBERT
UNITED STATES DISTRICT JUDGE